



**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**Certificate of Alternate Compliance for USS LENA H.**

**SUTCLIFFE (DDG 123)**

**AGENCY:** Department of the Navy (DON), Department of Defense (DOD) .

**ACTION:** Notice of Issuance of Certificate of Alternate Compliance.

**SUMMARY:** The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS LENA H. SUTCLIFFE (DDG 123). Due to the special construction and purpose of this vessel, the Admiralty Counsel of the Navy has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

**DATES:** This Certificate of Alternate Compliance is effective **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]** and is applicable beginning May 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander J. Martin Bunt, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Maritime Law

Division (Code 11), 1322 Patterson Ave., S.E., Suite 3000, Washington Navy Yard, DC 20374-5066, 202-685-5040, or admiralty@navy.mil.

**SUPPLEMENTARY INFORMATION:** Background and Purpose.

Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the 72 COLREGS, as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the *Federal Register*.

In accordance with 33 U.S.C. 1605, the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law)/Admiralty Counsel of the Navy, under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS LENA H. SUTCLIFFE (DDG 123) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, paragraph 3(a), pertaining to the position of the forward masthead light; Annex I, paragraph 2(f)(i) pertaining to the vertical position of the aft masthead light; Annex I, paragraph 3(a), pertaining to the horizontal distance between the masthead lights; Annex I, paragraph 3(c), pertaining to the horizontal distance of the "task lights" below the masthead lights; Annex I, paragraph 2(f)(ii), pertaining to the horizontal position of the task lights above the aft masthead light(s) and vertical position of the task lights between the forward masthead light(s) and aft masthead light(s).

The DAJAG (Admiralty and Maritime Law)/Admiralty Counsel of the Navy further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

(Authority: 33 U.S.C. 1605(c), E.O. 11964)

Dated: June 15, 2022.

**J. M. Pike,**

*Commander,*

*Judge Advocate General's Corps,*

*U. S. Navy,*

*Federal Register Liaison Officer.*